

EXHIBIT 1

INTRODUCTION

Respondent Robert van de Hoek was an unsuccessful candidate for a partial term on the Malibu City Council in the November 7, 2000 General Election. Respondent Van de Hoek for Malibu Council was the controlled committee of Respondent Robert van de Hoek. In this matter, Respondents failed to timely file a semi-annual campaign statement, in violation of Government Code section 84200, subdivision (a), of the Political Reform Act (“Act”).¹

For purposes of this Stipulation, the violation of the Act is as follows:

COUNT 1: Respondents Robert van de Hoek and Van de Hoek for Malibu Council failed to timely file a semi-annual campaign statement by the January 31, 2001 due date, in violation of Government Code section 84200, subdivision (a).

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to assure that receipts and expenditures in election campaigns be fully and truthfully disclosed, in order for voters to be fully informed, and improper practices inhibited. For purposes of disclosure, Section 84200, subdivision (a) requires candidates and their controlled committees to file two semi-annual campaign statements each year. The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year. Under Section 84214, as interpreted by Regulation 18404, candidates and their controlled committees may only end their filing obligations by filing a statement of termination.

SUMMARY OF THE FACTS

COUNT 1

Failure to File a Post-election Semi-annual Campaign Statement

Respondent Robert van de Hoek was a first-time candidate for the Malibu City Council in the November 7, 2000 election. Respondent Van de Hoek for Malibu Council was the controlled committee of Respondent Robert van de Hoek.

After the election, Respondents had a duty to file a semi-annual campaign statement, covering

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission appear at California Code of Regulations, Title 2, sections 18109-18996. All regulatory references are to Title 2 of the California Code of Regulations.

the reporting period October 22 to December 31, 2000, by January 31, 2001. On January 4, 2001, Malibu City Clerk Virginia J. Bloom sent a letter to Respondents reminding them to file the semi-annual campaign statement by January 31, 2001. In spite of this reminder, Respondent failed to file the semi-annual campaign statement by the January 31, 2001 due date. On February 6, 2001, Ms. Bloom sent a second letter to Respondents informing them that their semi-annual campaign statement was past due. On February 23, 2001, Ms. Bloom sent a third letter to Respondents informing them that their semi-annual campaign statement was still past due. When Respondents did not file the semi-annual campaign statement in response to these notifications, the Malibu City Clerk's Office referred the matter to the Enforcement Division of the Fair Political Practices Commission.

On March 6, 2001, Political Reform Consultant Linda Moureaux of the Enforcement Division left a voice mail message for Respondents, advising them to contact the Malibu City Clerk's office regarding the late campaign statement. On April 6, 2001, Investigator William Motmans of the Enforcement Division left a second voice mail message for Respondents, advising them to file the late campaign statement.

On July 16, 2001, Respondents filed the overdue semi-annual campaign statement five months late. According to the campaign statement, Respondents raised \$3,900 in contributions and made \$3,900 in campaign expenditures during the November 7, 2000 General Election.

In mitigation, Respondent Robert van de Hoek was a first-time candidate. Before the November 7, 2000 election, Respondents timely filed two pre-election campaign statements on October 6 and October 27, 2000, respectively.

CONCLUSION

This matter consists of one count, which carries a maximum possible penalty of Five Thousand Dollars (5,000). However, the typical stipulated administrative penalty for the late filing of a post-election semi-annual campaign statement ranges from Five Hundred to One Thousand Five Hundred Dollars (\$500 to \$1,500) per statement. In this matter, as Respondent Robert van de Hoek was a first-time candidate, who timely filed all other required campaign statements, an administrative penalty at the lower end of the penalty range is appropriate.

The facts of this case therefore justify imposition of the agreed upon penalty of Eight Hundred Dollars (\$800).